

Adopt He-C 6448, previously effective 4-2-11 (Document #9895), and expired 4-2-19, cited and to read as follows:

CHAPTER He-C 6400 PROGRAM AND SERVICE INFORMATION

PART He-C 6448 CHILD-PLACING AGENCY LICENSING REQUIREMENTS

Statutory Authority: RSA 170-E:34

He-C 6448.01 Applicability. This rule shall apply to any child-placing agency as defined by RSA 170-E:25, IV.

He-C 6448.02 Definitions.

(a) “Administrator” means the person designated by the child-placing agency as responsible for the overall daily operation of the child-placing agency.

(b) “Adoptive parent applicant” means the individual seeking to adopt a child through a child-placing agency.

(c) “Adoptive parent (s) application” means the provision of documents and information by the adoptive applicant (s) needed by the child placing agency to make a decision about the applicant (s).

(d) “Adoptive parent” means an individual who has completed the formal, legal process to adopt a child.

(e) “Approval” means the formal process used by a child-placing agency to determine the acceptability of a foster home or adoptive home and the document resulting from the process.

(f) “Birth parent” means biological parent of the child.

(g) “Case plan” means a comprehensive, time-limited, goal oriented, individualized plan for the care, treatment, and education of a child in the care of an agency and is based on a current, comprehensive evaluation of the child’s needs.

(h) “Case record” means a unified, comprehensive collection of information concerning a child who is in the care of a child-placing agency.

(i) “Casework services” means services provided through interventions which help individuals or families improve their functioning in society.

(j) “Casework supervisor” means a child-placing agency professional responsible for the oversight of quality casework services.

(k) “Caseworker” means a child-placing agency staff person assigned to casework services.

(l) “Central registry” means the state registry of abuse and neglect reports maintained by the department pursuant to RSA 169-C:35.

(m) “Child” means “child” as defined in RSA 170-E:25, I, namely “any person under 21 years of age.”

(n) “Child in care” means a child who is placed in a foster home.

(o) “Child-placing agency” means “child-placing agency” as defined in RSA 170-E:25, IV.

(p) “Child-placing agency applicant” means the person or organization formally seeking a license to operate a child-placing agency.

(q) “Commissioner” means the commissioner of the New Hampshire department of health and human services or his or her designee.

(r) “Corrective action plan” means “corrective action plan” as defined in RSA 170-E:25, VI.

(s) “Criminal records” means records of criminal convictions maintained by or accessible through the NH state police.

(t) “Department” means the NH department of health and human services.

(u) “Division for Children, Youth and Families (DCYF)” means the department’s division for children, youth and families.

(v) “Family” means a unit of one or more adults who have a long-term commitment to caring for and rearing children or an extended network of related people.

(w) “Family assessment” means a home study of the foster or adoptive applicant that includes a determination and written evaluation during the application process of the suitability of the foster or adoptive parent(s) and home for child placement.

(x) “Family foster care” means substitute parental care in a licensed foster home on a regular, 24 hour a day, residential basis by anyone other than a relative.

(y) “Foster care” means placement of a child or children in a foster family home

(z) “Foster home” means the physical residence where the foster parents reside.

(aa) “Foster parent” means an individual who has a license or permit for foster family care and who provides temporary substitute parental care for a child or children under an agreement with a licensed or approved child-placing agency.

(ab) “Foster parent applicant” means the individual seeking to provide care to a child through a child-placing agency.

(ac) “Household” means all individuals who reside in the foster or adoptive home during any time that a child in care is placed in the home.

(ad) “Legal parent” means an adult who is legally responsible for a child.

(ae) “Legal risk” means placement of children, who are not legally free for adoption, with prospective adoptive parents.

(af) “License” means “license” as defined in RSA 170-E:25, XI.

(ag) “Parent” means the birth, adoptive, or foster mother or father.

(ah) “Pre-licensing training” means the educational programs for applicants provided by the child-placing agency in accordance with He-C 6446.11.

(ai) “Placement” means the out-of-home care of a child in an adoptive home, foster home, a relative’s home or residential care facility as described in RSA 170-E: 25, I & II.

(aj) “Staff” means all persons providing any services within a child-placing agency, including all employees, volunteers, student interns, and consultants.

(ak) “Waiver” means permission granted by the department to meet the intent of a regulation in a way other than that specified by the requirement in He-C 6448.

He-C 6448.03 Requirements for Applicants. Each child-placing agency applicant shall:

- (a) Have a written statement of agency purpose;
- (b) Be incorporated and registered as a for profit or non-profit business in NH;
- (c) Operate from a physical location within the state of NH;
- (d) Have a governing body that:
 - (1) Has authority over and responsibility for the operation and policy of the child-placing agency;
 - (2) Is comprised of no less than 7 persons who have knowledge of the services provided; and
 - (3) Does not include staff members of the child-placing agency applicant, nor have any proprietorial relationship with liquid or fixed assets of any child-placing agency applicant;
- (e) Have, in their office files, written statements of philosophy and policy for its operation that addresses:
 - (1) Sexual harassment;
 - (2) Drug free workplace;
 - (3) Anti-discrimination;
 - (4) Reporting of child abuse and neglect in accordance with RSA 169-C;
 - (5) Discipline of children in care;
 - (6) Confidentiality of files and records;
 - (7) Minimum educational or experiential requirements for staff;
 - (8) Limits on the number of cases per caseworker;
 - (9) Documentation that criminal record and central registry checks have been obtained on every staff member;
 - (10) Methodology for assessment and evaluation of programs; and
 - (11) A contingency plan which describes how the assets and records for the agency will be transferred, processed or otherwise disseminated in the event that the agency permanently closes for business;
- (f) Have sufficient funds and the means of raising funds to care for the children for whom the agency assumes responsibility and to assure that the agency can continue its responsibilities until its obligations are ended; and

(g) When the child-placing agency has not operated before or is reopening, provide documentation to the department of funding source, budget, staffing, fee schedules and contingency funds that demonstrates that the child-placing agency has the fiscal capacity to operate for at least 6 months such as funding source, budget, staffing, fee schedules and contingency funds.

He-C 6448.04 Administration.

- (a) A child-placing agency shall have an annual external financial audit.
- (b) A licensed child-placing agency shall have a local advisory board that:
 - (1) Is made up of at least 5 members;
 - (2) Has officers of advisory boards elected at least every 2 years; and
 - (3) Has meetings at least quarterly with minutes taken and retained for 7 years.
- (c) The child-placing agency applicant shall have an administrator who:
 - (1) Is responsible to the governing body for the administration of the child-placing agency's policies and program; and
 - (2) Is a graduate of an accredited 4-year college or university, with a major in social services, psychology, or education, and has had at least 5 years of experience in human services.
- (d) If the administrator is also responsible for the supervision of casework, then the administrator shall meet the qualifications of both positions.
- (e) Each child-placing agency shall have a casework supervisor who is responsible for the provision of child-placing services, foster care services, or adoption services.
- (f) A casework supervisor shall have either:
 - (1) A master's degree from an accredited school of social work or a field of study with an emphasis on human service and an equivalent of at least 3 years of full-time casework experience in a child and family related setting with one year of this experience in a supervisory capacity; or
 - (2) A bachelor's degree and 5 years of experience in child welfare social work with 2 years of this experience in a supervisory capacity.
- (g) The child-placing agency applicant shall have written personnel standards that include:
 - (1) Titles for each position defining the salary scale, duties, and lines of authority;
 - (2) Job descriptions and qualifications of the administrator and casework supervisor which shall meet or exceed the requirements set forth in (c) and (f) above;
 - (3) A description of employee benefits;
 - (4) Opportunities for growth through supervision, orientation, in-service training, and staff development including competency-based courses pursuant to He-C 6446.19;
 - (5) Annual evaluations of the work and performance of each staff member that includes provision for employee participation in the evaluation process;

(6) A description of the termination procedures established for resignation, retirement, or discharge; and

(7) A grievance procedure for employees.

(h) The child-placing agency shall prepare agency specific handbooks for foster and adoptive parent applicants that describe the requirements, policies, procedures, and forms.

He-C 6448.05 Application Requirements.

(a) A child-placing agency applicant shall apply to operate a child-placing agency by submitting to DCYF the following information:

(1) The name and address of the child-placing agency applicant;

(2) The telephone number of the child-placing agency with facsimile numbers and email addresses, if available;

(3) Which one or more of the following types of services the child-placing agency applicant will be providing:

a. International adoptions;

b. Domestic adoptions;

c. Adoption family assessments;

d. Foster care family assessments;

e. Short term foster care; or

f. Long term foster care;

(4) The names, addresses, and dates of appointment of all members of the child-placing agency applicant's governing body;

(5) A copy of the written statement required in He-C 6448.03(a) which describes the child-placing agency's purpose;

(6) A written description of the child-placing agency's primary sources of income;

(7) The signature and date of signature of at least one governing body representative;

(8) For child-placing agencies in operation for at least 3 years, a copy of the most recent audited financial statements and budgets for the last 3 years;

(9) For child-placing agencies in operation for less than 3 years, documentation as required by He-C 6448.03(g) which demonstrates the fiscal capacity to operate for at least 6 months;

(10) A copy of the child-placing agency applicant's charter, articles of incorporation, by-laws or other policy documents demonstrating the legal authority for operating in NH;

(11) A copy of the child-placing agency applicant's purpose statement and policies including those policies required by He-C 6448.03(e) and He-C 6448.04(h);

(12) A notarized authorization for the department to conduct criminal record and central registry checks for each staff member;

- (13) A written acknowledgement of the applicant's agreement that DCYF personnel will be provided with access to the applicant's case records, personnel files and other agency records in accordance with He-C 6448.17(a);
 - (14) The organizational chart depicting reporting hierarchy of the child-placing agency applicant;
 - (15) Documentation of the present need for the proposed child-placing agency that includes:
 - a. Demographic data;
 - b. Population to be served;
 - c. Geographic area to be served; and
 - d. Documents or statements of requested delivery of service from DCYF or other child-placing agency such as a request for proposal;
 - (16) Copy of a Certificate of Good Standing from the New Hampshire Secretary of State;
 - (17) List of the names, titles and addresses of the governing body as described in He-C 6448.03; and
 - (18) Fee schedules for adoption services provided by the child-placing agency.
- (b) For quality assurance purposes, the child-placing agency shall also include the following written documentation with the application:
- (1) Intake procedures;
 - (2) Criteria for entry or acceptance of clients into the child-placing agency's program;
 - (3) Types of therapies and interventions provided to the child to be adopted, to the foster child, to foster parents, and to the birth and adoptive parents;
 - (4) Program monitoring procedures;
 - (5) Foster or adoptive home licensing and approval procedures;
 - (6) Foster or adoptive home revocation procedures;
 - (7) Foster or adoptive home appeal procedures; and
 - (8) Staff training and development.

He-C 6448.06 Issuance of Child-Placing Agency License.

- (a) The commissioner shall approve the child-placing agency for a license when:
- (1) The child-placing agency applicant has complied with He-C 6448.03-05;
 - (2) A review of the criminal and central registry records checks by DCYF staff find that no employee poses a threat to any child;
 - (3) The agency has demonstrated, through the documentation required by He-C 6448.05(a)(15), that a present need for the services being offered exists; and

(4) The documentation provided in accordance with He-C 6448.05(a)(15) demonstrates that the agency has the ability to accommodate the present needs for services identified in (3) above.

(b) Upon approval as described in (a) above DCYF shall forward to the child-placing agency applicant a written certificate that includes:

- (1) The name and address of the child-placing agency;
- (2) The effective dates of the license;
- (3) The parameters of service the child-placing agency is approved for such as adoption, foster care and family home assessments included in the license approval;
- (4) Type of child placement;
- (5) Number of the license as issued by the department; and
- (6) The signature of the director of DCYF.

(c) The child-placing agency license shall be valid for 4 years.

He-C 6448.07 Provision of Foster Care Services.

(a) The department or any licensed child-placing agency shall place a child only with another licensed child placing agency.

(b) A child-placing agency shall not place a child in an unlicensed foster home.

(c) A child-placing agency shall not place a child without the written authorization of the parents, official, agency, or other person with the legal authority to provide the authorization.

(d) In addition to the information required by He-C 6448.20(h), the child-placing agency shall obtain, record and maintain the following information in the child's case record:

- (1) The full name of the child and his or her residence prior to being placed in care;
- (2) Date and place of the child's birth;
- (3) The sex of the child;
- (4) The child's social security number, when available;
- (5) The names, addresses, telephone numbers, occupations, marital status, and ethnicity of the parents;
- (6) How the parents can be reached in the event of an emergency;
- (7) The names, ages, sex, and relatedness of siblings, and addresses when known;
- (8) The legal custody and guardianship status of the child, including copies of court orders;
- (9) The religion of the child;
- (10) The educational status of the child;
- (11) The medical history insofar as available, for the child and the parents;
- (12) The medical insurance information;

(13) A signed authorization for placement and a signed release for ordinary and emergency medical care;

(14) The particular needs of the child and how the child-placing agency can meet them, including a plan for reunification with the birth parents or some other permanency plan which provides the child with a stable, permanent home; and

(15) The life history of the child up to the time of placement.

He-C 6448.08 Foster Family Applicant Services.

(a) Application and licensing of foster family homes shall be in accordance with He-C 6446.03 and He-C 6446.06- He-C 6448.09.

(b) The child-placing agency shall conduct a family assessment of the foster family which:

(1) Includes at least one visit made to the home;

(2) Consists of individual and joint meetings with all household members;

(3) Shall be completed within 4 months of the date that the application was received, unless the applicants agree in writing that the child-placing agency may extend the time allowed to complete the family assessment; and

(4) Provides written results to the applicant of the foster family assessment within 30 days after completing the family assessment.

(c) The minimum requirements for acceptance of foster family applicants shall be in accordance with He-C 6446.03(a) and the following:

(1) Foster parent applicants, whether married or single, shall have established a stable and consistent home life in that the applicant is self sufficient and has adequate support systems, such as extended family and friends in the community who are able to assist the family;

(2) The foster parent applicants shall demonstrate good physical and emotional health, as required in He-C 6446.05(e);

(3) The foster home shall conform to the requirements set forth in He-C 6446.09; and

(4) The foster parent applicant shall:

a. Not have a court finding related to child abuse or neglect or any other serious crime that would affect the ability to care for children; or

b. When a founded report is on file, have been determined by DCYF to no longer pose a threat to any child in accordance with He-C 6448.13(e)(4)b.

He-C 6448.09 Services to Foster Family Providers.

(a) A child-placing agency shall have a written description of its application process to determine the suitability of a family for foster care including all requirements in He-C 6446.03.

(b) The child-placing agency shall prepare a written family assessment including all household members for each foster family applicant which includes all subjects described in He-C 6448.02(z).

(c) In accordance with He-C 6446.09, home visits shall be held in the foster home with representatives of the child-placing agency prior to the issuance of a permit or a license.

(d) The child-placing agency caseworker may perform announced or unannounced meetings with the foster family in the foster home.

(e) The decision to approve or deny a license for a foster home shall be that of the child-placing agency's professional case work staff including at least 2 persons being involved in the decision.

(f) A child-placing agency shall inform each applicant in writing of its decision on the application within 120 days from the date that the completed application is received.

(g) After following the child-placing agency's appeal process, any foster or adoptive parent applicant who is denied licensure may follow He C 6446.28 to appeal the decision. All records shall then be given to DCYF for review.

(h) Pursuant to He-C 6446.11, the foster parent applicant shall complete pre-licensing training prior to the issuance of a license.

(i) The child-placing agency shall conduct a re-licensing evaluation of its foster families every 2 years prior to the expiration of the current license, pursuant to He-C 6446.14.

(j) The child-placing agency shall monitor and ensure that foster parents obtain at least the minimum amount of training required pursuant to He-C 6446.19.

(k) The child-placing agency shall assign licensing staff to each permitted or licensed foster family to monitor licensing requirements.

(l) Foster parent(s) shall be notified that the foster parent stipend is a reimbursement for the care of the child and not a payment to the foster parent(s).

(m) The case work staff shall visit each foster family home who has a child in care:

(1) Within 10 working days after the child's placement;

(2) At least once a month or in accordance with the child's case plan and the family's need for supervision and support; and

(3) Submit progress reports to the Interstate Compact on the Placement of Children (ICPC) office for all interstate placements.

(n) Within 7 working days of the termination of a placement, the child placing agency shall contact the foster parents to provide support and resolve any remaining issues relative to the child leaving the home.

(o) The child-placing agency shall provide foster family care providers with an agency-specific foster parent handbook in an electronic or paper format informing them of policies, procedures, and forms which are relevant to its specific agency.

(p) The child-placing agency may recommend, in writing, to DCYF that a foster family license be revoked, pursuant to He-C 6446.27.

He-C 6448.10 Services to Children in Foster Care.

(a) The child-placing agency shall ensure that the child being placed is in a program appropriate to his or her needs.

(b) Siblings shall be placed together when possible.

(c) When a child with a legal relationship with DCYF has been placed in a foster home, the foster parent shall notify the child-placing agency:

(1) Within one working day of any incidents related to the child's psychological or medical well-being such as an accident requiring medical care or unusual aggressive or abusive behavior by the child; or

(2) Immediately upon the hospital admissions or death of the child.

(d) The child-placing agency shall report any incidents described in (c) above to the child's DCYF child protection service worker or supervisor within 24 hours.

(e) When a child is discharged from foster care, the child-placing agency shall:

(1) Provide 2 weeks prior notice to all parties, including DCYF, the foster family, and the birth family, except in emergencies or as specified in the service plan;

(2) Discharge a child only:

a. By order of the court; or

b. Upon the recommendation of DCYF, or persons having legal custody of the child;

(3) Record a discharge summary in the child's case record and include:

a. The name and address of the person, persons, or agency to whom the child was discharged;

b. Date of discharge; and

c. Reason for discharge; and

(4) Develop and implement an aftercare plan in collaboration with DCYF or the department's division for juvenile justice.

He-C 6448.11 Provision of Adoption Services.

(a) The primary focus of the adoption program shall be to protect the rights and meet the needs of the children for whom the child placing agency accepts responsibility by offering services to the child, birth and legal parents, and the adoptive parents.

(b) The child-placing agency shall explain the eligibility requirements of the agency to the persons wishing to apply to adopt including:

(1) Residence;

(2) Age;

(3) Religion;

(4) Health;

(5) Composition of the family; and

(6) Financial ability to provide care for the child.

(c) The child-placing agency shall explain to the person wishing to apply to adopt the child-placing standards for:

- (1) Adoption family assessment as described in He-C 6448.13;
- (2) Training as described in He-C 6448.14;
- (3) Services to children as described in He-C 6448.15; and
- (4) Post-adoption services as described in He-C 6448.16.

He-C 6448.12 Services to Birth Parents.

(a) Prior to making an adoption plan for the child, the child-placing agency shall offer adoption counseling to birth parents.

(b) The child-placing agency shall help the parent assume or resume her or his parental role and responsibilities when appropriate to the case plan.

(c) The child-placing agency shall help the birth family gain access to the services necessary to preserve and strengthen the family and to accomplish the case plan goals. When the child is in foster care, the agency shall assist the parent with the issues that brought about the need for placement.

(d) The child-placing agency shall encourage contact between birth parents and children during foster care in accordance with the case plan.

(e) The child-placing agency shall encourage contact between birth parents and foster parents while the child is in foster care in accordance with the child's case plan.

(f) Child-placing agencies providing adoption services shall not accept a child into care without a signed agreement with the parents of the child that includes:

- (1) The expectations and responsibilities of the agency;
- (2) The expectations and responsibilities of the parents;
- (3) The financial arrangements for the child; and
- (4) Visitation plans.

(g) When appropriate to the case plan, the child-placing agency shall refer the child's family to other agencies in the community providing appropriate services.

(h) When the child's family has been referred to a community agency as described in (g) above, the child-placing agency shall maintain communication with the agency providing the services, contingent on a signed release of information from the child's parent or guardian.

(i) The child placing agency shall document efforts to obtain a signed release of information from a child's parent or guardian in order to maintain communication in (g) above.

He-C 6448.13 Adoption Family Applicant Services.

(a) During the application process, the child-placing agency shall obtain:

- (1) A signed application;

- (2) A signed medical statement from a licensed physician, physician's assistant, or nurse practitioner on each applicant based on an examination given within one year of the application;
 - (3) A financial statement which includes:
 - a. The monthly income available to the household from all sources including adoption subsidies for children with special needs;
 - b. Monthly expenses such as rent or mortgage, food, clothing, utilities, insurance, loan and credit card payments; and
 - c. Assets such as savings, investments and real estate;
 - (4) Information on the adoptive parent applicants' religious preferences, if any; and
 - (5) A minimum of 5 personal references provided by persons who have known the applicants for at least 2 years, one of whom is a relative and the remaining 4 unrelated to the applicant by blood or marriage.
- (b) The child-placing agency shall provide the adoptive family applicant with an agency-specific adoptive family handbook informing them of policies, procedures, and forms, which are relevant to its specific agency.
- (c) A family assessment and application shall be completed as described in He-C 6446.06-09 for an adoptive applicant family.
- (d) The child-placing agency shall conduct an assessment of the adoptive family which:
- (1) Includes at least one visit made to the home;
 - (2) Consists of individual and joint meetings, when applicable, with the couple;
 - (3) Involves all adults and children of sufficient understanding in the household;
 - (4) Shall be completed within 6 months of the date that the application was received, unless the applicants agree in writing that the agency may extend the time allowed to complete the family assessment;
 - (5) Provides written results to the applicant of the adoptive family assessment within 30 days after completing the family assessment; and
 - (6) Includes consideration of the following factors to assess the adoptive parent applicant's compatibility with a child and any problems the adoptive parent applicants might encounter following the adoption:
 - a. The adoptive parent applicants' motivation to adopt;
 - b. If applicable, how the adoptive parent applicants have dealt with issues of their infertility;
 - c. The adoptive parent applicants' expectations of the child and preferred child characteristics; and
 - d. The adoptive parent applicants' feelings about adoption and how adoption will be explained to the child, including:

1. Searches;
2. Reunification;
3. Open adoption which is the private and non-legally binding agreement between biological parents that the adoptive child can remain in contact with the biological parents or other biological relatives;
4. Attitude toward parents who place their child for adoption; and
5. The background of the child.

(e) The minimum requirements for acceptance of the adoptive parent applicants shall be as follows:

- (1) Each adoptive parent applicant shall be at least 18 years of age;
- (2) Each prospective adoptive parent shall confirm their commitment to adopt;
- (3) The adoptive parent applicant shall not have been convicted of child abuse or neglect or any other serious crime that would affect the ability to care for children;
- (4) The adoptive parent applicants and all household members shall be screened by the department, pursuant to RSA 170-E:29, II, for any founded reports of child abuse or neglect on file with DCYF, and:
 - a. If a founded report is on file for any member of the adoptive parent applicant's household, DCYF staff in cooperation with staff from the child-placing agency shall conduct a complete review of the circumstances surrounding the report; and
 - b. After review, if DCYF determines that the household member poses no further threat to any child, the child-placing agency shall proceed with the application process;
- (5) Adoptive parent applicants, whether married or single, shall have established a stable and consistent home life in that the applicant is self sufficient and has adequate support systems such as extended family and friends in the community who are able to assist the family;
- (6) The applicants shall demonstrate good physical and emotional health, with a reasonable expectation that the good health will continue throughout the minority of the child;
- (7) Sufficient physical space and accommodations in the home shall exist for the adoptive child; and
- (8) The applicants shall have sufficient income to support the family and the child they wish to adopt.

(f) Approved adoptive families who have waited a year for a placement shall have an annual home visit and family assessment update which includes:

- (1) Any changes to the original family assessment;
- (2) An update of the household members medical health;
- (3) Updated criminal checks for all household members; and
- (4) Updated child protective services checks for child abuse or neglect.

(g) Applications for an additional unrelated child or children shall not precede the finalization of the adoption of the child already placed in the family. The requirements in (a)-(e) above shall apply to applications and family assessment for additional children.

(h) A child-placing agency shall approve a home as an adoptive home if the completed application and assessment demonstrate that the adoptive applicant can provide care in compliance with the requirements of RSA 170-B:18.

(i) A child-placing agency shall inform each applicant in writing of its decision to approve or not approve applicant(s) to become adoptive parents within 120 days of the date that the completed application is received.

He-C 6448.14 Pre-Adoptive Training.

(a) Pre-adoptive training shall consist of at least 8 hours of training that covers:

- (1) Adoption process;
- (2) Understanding a child's behaviors;
- (3) Grief and loss;
- (4) Developmental stages;
- (5) The family unit from which the child entered the adoptive process;
- (6) Impact of adoption on the family and community; and
- (7) Race and culture.

(b) Pre-adoptive training shall be completed in its entirety:

- (1) During the family assessment process; and
- (2) Prior to finalization of the adoption.

(c) Status of training shall be documented and kept on file by the agency and include:

- (1) Dates;
- (2) Hours completed; and
- (3) Topics covered.

(d) Pre-adoptive training described in (a) above shall be optional when:

- (1) The adoptive parent applicant has already taken the training as a result of a previous adoption; or
- (2) The adoptive parent applicant is a relative per RSA 170-E:25. XIV of the child who has lived with the child for at least 6 months.

He-C 6448.15 Services to Children to be Adopted.

(a) Child-placing agency providing adoption services shall not accept a child for care with adoption as the permanent plan unless the child-placing agency:

- (1) Has first confirmed with the birth parent(s) that acceptance of the child for care is desired by both of them, and that it is in the child's best interests;
 - (2) Has a reasonable expectation that the child can be legally surrendered and released for adoption;
 - (3) Has sufficient casework services to assist the parents surrendering the child in a decision regarding the future of the child, including full exploration of the alternatives available to all individuals; and
 - (4) Establishes a clear understanding between the agency and the foster parents of the temporary nature of the placement.
- (b) The child-placing agency shall consider the following factors to ensure appropriate adoptive placements in which the adoptive parents are best able to meet the needs of the child:
- (1) The developmental and medical history of the child;
 - (2) The mental and physical health history of the biological family;
 - (3) The child's religious practices;
 - (4) Psychological, social and cultural factors regarding the child and the family;
 - (5) The legal custodial status of the child;
 - (6) The ability of the child to accept adoption; and
 - (7) Inter-relationships among the child, the biological family, and the adoptive family.
- (c) The licensing agency, DHHS, shall grant a foster care license if the completed application demonstrates that the applicant can provide care in compliance with the requirements of RSA 170-E and He-C 6448.
- (d) The child-placing agency caseworker may perform announced or unannounced home visits with the adoptive family in the adoptive home.
- (e) The following shall be required in preparation of the child for adoptive placement:
- (1) Except in accordance with (2) below, a child shall not be placed for adoption until all legal impediments have been removed;
 - (2) A child may be placed in a legal risk adoption home that has been approved for pre-adoptive placement when the child's permanent plan is adoption but the child has not been surrendered for adoption or has not been the subject of a completed petition;
 - (3) The child-placing agency shall formally advise pre-adoptive parents in writing of the nature and extent of any legal or medical risks;
 - (4) A child shall not be placed in an adoptive home until the home has been approved by a licensed child-placing agency or the department;
 - (5) All interstate placements shall be done in compliance with RSA 170-A;
 - (6) The child-placing agency's caseworker shall:

- a. Become acquainted with the child and family prior to placement, except when a child is placed on an emergency basis or in the case of an infant;
- b. Ensure that the placement is accomplished with a minimum of trauma to the child;
- c. Help the child understand the reasons for placement and prepare the child for the new environment;
- d. Plan and participate in at least one pre-placement visit prior to moving the child to the new home, except for infants or when placing under emergency conditions;
- e. Arrange for a physical examination performed by a physician, physician's assistant, or nurse practitioner for each child in care at the time of placement or within 30 days of placement, unless there is written documentation of a physical examination within the 12 months preceding placement; and
- f. Obtain and record a developmental history for each child in care; and

(7) The child-placing agency that has custody of the child or to whom a child is surrendered and released shall be responsible for carrying out the provisions of this section.

(f) Following placement of the child, the caseworker shall:

- (1) Contact the adoptive family, by phone or in person, within 3 weeks of placement;
- (2) Meet in person with the adoptive family and the child(ren) at least once every 2 months until the adoption is finalized;
- (3) Conduct at least 2 of the home visits required in (2) above in the home of the adoptive family; and
- (4) Submit post placement supervisory reports to the ICPC office for all interstate adoption placements.

He-C 6448.16 Provision of Post-Adoption Services.

(a) Post adoption services shall be provided to the adoptive families by the child-placing agency:

- (1) Upon request by the adoptive family; or
- (2) When required by the supervising agency including domestic and international adoptions.

(b) Post adoption services that support the adoptive family shall include, but not be limited to:

- (1) Individual, family or group counseling;
- (2) Recreational activities;
- (3) Opportunities to meet other adoptive families; and
- (4) Searches for birth parents and/or other relatives.

(c) When the child-placing agency does not directly provide post adoptive services as described in (b) above, the child-placing agency shall provide referral information to adoptive families for post adoption services.

He-C 6448.17 Operational Requirements.

(a) The child-placing agency shall maintain and make available upon the request of DCYF, all case records, personnel files, and other agency records.

(b) The child-placing agency shall maintain a personnel file for each employee that includes:

- (1) The application for employment, including record of previous employment;
- (2) A copy of each educational degree and applicable credential or certification;
- (3) A minimum of 5 written references;
- (4) The results of criminal and central registry checks;
- (5) Staff development attendance; and
- (6) Annual performance evaluations.

(c) The child-placing agency shall not hire or continue to employ a person whose health, veracity, education, work history, or behavior and actions impair her or his ability to protect the health and safety of the children served as determined by:

- (1) Completion of a child abuse registry check with DCYF prior to the employment start date of new staff members;
- (2) Verification of the applicant's addresses for the past 7 years;
- (3) Review of criminal, central registry and motor vehicle checks from all states in which the applicant has resided during the 7 years prior to the start of employment;
- (4) Evaluation of any arrest, criminal conviction and motor vehicle checks of an employee for its impact on employment and on the care and safety of children;
- (5) Verification of the applicant's qualifications through at least 5 written references; and
- (6) Review of a signed medical statement that the employee can perform the job.

(d) All staff shall maintain confidentiality of information concerning clients and their records, such as securing files, and refraining from discussing or disclosing information without authorization or written consent.

(e) Staff members shall be certified or licensed, if required by law.

(f) The child-placing agency shall maintain correspondence, records, bookkeeping, and files up-to-date and easily retrievable.

(g) The child-placing agency shall maintain a roster of members of its staff listing position, title, and qualifications and a current organizational chart showing administrative structure and staffing, including lines of authority.

(h) A child-placing agency that uses volunteers to work directly with children and families shall:

- (1) Have written job descriptions;
- (2) Require 3 personal references;
- (3) Designate a staff member to supervise and evaluate volunteers;

- (4) Develop and implement a written plan for the orientation and training of volunteers in the philosophy of the agency;
 - (5) Require all volunteers to maintain strict confidentiality concerning clients and records; and
 - (6) Complete criminal and central registry checks.
- (i) The child-placing agency shall have written procedures for handling suspected incidents of child abuse and neglect involving staff, foster or adoptive parents, or volunteers that include:
- (1) A provision for recording a suspected incident and for promptly reporting it to the agency's director or to the governing body or advisory board;
 - (2) A provision for reporting an allegation of abuse or neglect as described in RSA 169-C:29;
 - (3) A provision for preventing a recurrence of the alleged incident pending investigation; and
 - (4) A provision for notifying the department of any findings of an investigation of abuse or neglect.
- (j) A child-placing agency shall establish operational policies and procedures so staff are informed of current adoption and foster care agency practices and staff can provide services consistently to clients.
- (k) A child-placing agency shall have a written on-going program of staff development or provide staff the opportunity to attend training outside of the agency.

He-C 6448.18 Renewal of License.

- (a) At least 90 days prior to license expiration, the child-placing agency shall complete and submit to DCYF an application for renewal that includes:
- (1) The information in He-C 6448.05;
 - (2) Any programmatic or financial information that has changed since the last license application or renewal; and
 - (3) A notarized authorization for the department to conduct criminal record and central registry checks for each staff member.
- (b) The commissioner shall approve the child-placing agency for the renewal of a child-placing agency license when:
- (1) The child-placing agency applicant has complied with (a) above;
 - (2) A review of the criminal and central registry records checks by DCYF staff find that no employee poses a threat to any child;
 - (3) The agency has demonstrated, through the documentation required by He-C 6448.05(a)(15), that a present need for the services being offered exists; and
 - (4) The documentation provided in accordance with He-C 6448.05(a)(15) demonstrates that the agency has the ability to accommodate the present needs for services identified in (3) above.
- (c) Upon approval as described in (b) above DCYF shall forward to the child-placing agency applicant a written certificate that includes:

- (1) The name and address of the child-placing agency;
 - (2) The effective dates of the license;
 - (3) The type of service programs the child-placing agency has received license approval for, including one or more of the following:
 - a. International adoption;
 - b. Domestic adoption;
 - c. Adoption family assessments;
 - d. Foster care family assessments;
 - e. Short term foster care; or
 - f. Longer term foster care;
 - (4) Type of child placement;
 - (5) Number of the license as issued by the department; and
 - (6) The signature of the director of DCYF.
- (d) The child-placing agency license shall be valid for 4 years.

He-C 6448.19 Annual Monitoring and Reporting.

- (a) Each agency shall submit to DCYF an annual report of operations that includes:
- (1) The name and address of the agency;
 - (2) The total number of children served during the year;
 - (3) The number of children served by geographic region; and
 - (4) The number of international adoptions, by country, including gender, age, and state in which the child is placed.
- (b) The annual report shall be submitted to DCYF one year from the date of the initial issuance of the child-placing agency license and at the anniversary date for every year the agency continues to be licensed.

He-C 6448.20 Maintenance of Records.

- (a) The child-placing agency shall maintain records in a manner that provides for security and confidentiality of information.
- (b) The child-placing agency shall have written procedures documenting the storage and access of confidential information and staff shall be made aware of these procedures and the need for protection of confidential information.
- (c) Records shall be made available to DCYF personnel on request.
- (d) The child-placing agency may not make agency records available to qualified researchers or accreditation agencies unless steps have been taken to preserve the anonymity of children and families.

(e) The child-placing agency shall maintain administrative records that include:

- (1) The purpose statement, service population, and geographic service area of the child-placing agency;
- (2) The most recent needs assessment conducted, pursuant to He-C 6448.05(a)(15);
- (3) A complete operating procedure for the provision of services;
- (4) A current listing of personnel, including volunteers, and an organizational structural diagram noting supervisory relationships;
- (5) The names, addresses, and positions of each member of the governing body as required by He-C 6448.05(a)(4) and a description of the duties of each;
- (6) The by-laws and articles governing the operation of the agency;
- (7) Quarterly minutes of advisory and governing board meetings as described in He-C 6448.04(b);
- (8) Written personnel policies and job descriptions for each employee engaged in child-placing activities and a policy on the use of volunteers; and
- (9) Personnel files for each employee and volunteer that includes verification of criminal and child abuse registry checks.

(f) Each agency placing children in adoptive homes shall also maintain permanent case records on adoptive parents that include:

- (1) Documents required in 6448.13(a), (c), (d), (e), and (f);
- (2) A placement agreement, the written document that specifies the terms of a child's placement, signed by all individuals upon placement of a child, including a medical release obtained when the child was placed;
- (3) A written record of post-adoption services provided, including documentation of the completion of the adoption; and
- (4) A written record of services to biological and legal parents that includes intake information and a description of services provided.

(g) Each agency that places children in foster homes shall also maintain a permanent case record on each foster home that includes:

- (1) The foster home application for licensure as a foster home;
- (2) A copy of the foster home family assessment performed in accordance with He-C 6448.08(b)-(c);
- (3) A copy of the license for the foster home;
- (4) Copy of the results of all home monitoring visits;
- (5) A record of the children placed in the foster home with dates of placement and progress notes for the children; and

(6) A copy of the discharge summary for all children discharged from the program.

(h) The child-placing agency shall maintain records for each child for whom placement services are provided that include:

- (1) Written authorization for placement;
- (2) Any medical release forms;
- (3) If the placement was made as a result of an interstate compact, documentation required by RSA 170-A:1, Article III;
- (4) Written description of the child's placement experience;
- (5) A description of treatment services provided for the child and biological family;
- (6) Reason for placement;
- (7) Documentation of termination of parental rights;
- (8) Results of any reviews conducted and progress notes; and
- (9) Written description of the services provided to any child for whom the planned placement was not made.

He-C 6448.21 Notice of Changes in License Status.

(a) The agency shall notify DCYF in writing at least 90 days prior to a planned change that affects its service to children or families.

(b) Changes shall include, but not be limited to:

- (1) A change of ownership or sponsorship of the agency;
- (2) A change in the name or location of the agency;
- (3) A change in the administrator or casework supervisor; and
- (4) A change in the services provided to children and families or in the population served.

(c) When an unplanned change occurs, the agency shall provide written notification to DCYF no more than 30 days after its occurrence.

He-C 6448.22 Professional Courtesy. A child-placing agency may request use of an appropriate and available foster family home of another agency as needed for a specific child or children.

He-C 6448.23 Applications by Employees of Child-Placing Agency. Persons employed by a child-placing agency who wish to adopt or obtain a foster family home license shall:

(a) Apply, pursuant to He-C 6446.03-12, to a licensed child-placing agency other than the one where they are employed; and

(b) Receive services from a child-placing agency other than where they are employed.

He-C 6448.24 Orders to Comply and Immediate Removal of Children in Care.

(a) The department shall issue a written order to comply if the child-placing agency violates the requirements in He-C 6448 and the violation is not related to the health, safety or well being of the child in care.

(b) The written order to comply shall:

- (1) Specify the requirements of He-C 6448 alleged to have been violated by the child-placing agency;
- (2) Advise that the child placing agency has 60 days from the date of the order to comply to correct the violation(s); and
- (3) Specify the action the department will take with regard to the license if the child-placing agency fails to correct the alleged violations specified in the order to comply.

(c) Following receipt of the order to comply, the child placing agency shall jointly with the department develop a corrective action plan to correct the violations(s).

(d) The child-placing agency shall not accept any additional children in care, children for respite care, or children in a pre-adoptive placement:.

- (1) Prior to the development of a corrective action plan;
- (2) After receiving an order to comply as specified in (c) above; or
- (3) During an ongoing investigation of alleged child abuse or neglect.

(e) The department shall revoke the license or permit of the child-placing agency if the alleged violations specified in the order to comply are not corrected within 14 calendar days of the date of the order to comply following notice and an opportunity for a hearing as provided in He-C 200 and RSA 170-E:36.

(f) If the violations specified in the written notice present a risk to the health or safety of any child in care, the department shall immediately, with any court approval required by law, remove the child in care from the foster home or pre-adopt home without issuing an order to comply.

(g) If a report of child abuse or neglect has been founded against a foster or pre-adopt parent while the child was placed with the family, the department shall revoke a permit or license without issuing an order to comply, if the department's investigation finds that the agency:

- (1) Had knowledge of the allegation and did not report it to the department in accordance with RSA 169-C;
- (2) Did not take appropriate action to protect the health or safety of the child in care;
- (3) Interferes or is uncooperative with the investigation; or
- (4) Has violated the standards set forth in law or rule.

He-C 6448.25 Denials and Revocations.

(a) In addition to the reasons for denial specified in RSA 170-E:35, the department shall deny an application for a child-placing agency license if the child-placing agency applicant:

- (1) Does not fully comply with the child-placing agency licensing requirements in He-C 6448;

- (2) Furnishes false information, makes false or misleading statements, or omits information in statements or submissions to the department when such actions impact credibility of the agency and safety of the children in care;
 - (3) Had a child-placing agency license revoked;
 - (4) From the information provided pursuant to He-C 6448 presents a set of qualifications which, when taken as a whole, does not affirmatively show a commitment to the purposes of child-placing agency;
 - (5) Violates the provisions of the license;
 - (6) Refuses to submit or make available the written reports required for licensing or re-licensing in accordance with He-C 6448.17-20;
 - (7) Refuses or does not submit to a child abuse and neglect report investigation;
 - (8) Refuses or does not admit authorized personnel for the purpose of a complaint investigation;
 - (9) Does not work cooperatively with DCYF and acts in a manner which endangers the health, safety and welfare of the child; or
 - (10) Has unresolved, substantiated, written complaints from consumers or others regarding inadequate provision of service.
- (b) When the department revokes, denies, or refuses to renew a license to operate a child-placing agency the department shall, pursuant to RSA 170-E:36, I, send to the applicant, or licensee, by registered mail, a notice which sets forth the reasons for the determination.
- (c) Pursuant to RSA 170-E:36, I, the denial or revocation shall become final 10 days after receipt of the notice unless the applicant or licensee requests a hearing pursuant to He-C 6448.27.

He-C 6448.26 Waivers.

- (a) To obtain a waiver a child-placing agency applicant or licensed child-placing agency shall submit a written request to the department.
- (b) Waiver requests shall include:
- (1) The specific rule for which a waiver is requested;
 - (2) The anticipated length of time the waiver will be needed;
 - (3) The reason for requesting the waiver;
 - (4) How the waiver will affect the client services provided;
 - (5) A written plan detailing how the alternative will satisfy the objective and intent of the rule by maintaining the provision of services and quality of care without negatively impacting the health or safety of the individual(s); and
 - (6) The signature of the person requesting the waiver.
- (c) The department shall not accept any request for a waiver of any of the provisions of RSA 170-E, any other statute referred to in this part, or rules of any other state agency.

(d) A request for a waiver shall be granted after the commissioner determines that the alternative proposed by the applicant or licensee meets the objective or intent of the rule, and:

- (1) Does not negatively impact the health, safety and welfare of the child in placement; or
- (2) Is administrative in nature and does not effect the quality of care.

(e) The department shall deny a waiver when any of the following occurs:

- (1) The request does not comply with (a)-(c) above;
- (2) The department finds that approval of the requested waiver will jeopardize the health or provision of quality services to children and families; and
- (3) The department finds that the compliance plan does not satisfy the intent of He-C 6448.

(f) DCYF shall make recommendations for waivers to He-C 6448 to the commissioner or designee.

He-C 6448.27 Appeals.

(a) Pursuant to RSA 170-E:36, II, any applicant or licensee aggrieved by a decision of the department to revoke, deny or refuse to renew a license request may appeal to the commissioner through the hearing process established by He-C 200.

(b) Pursuant to RSA 170-E:36, IV, rehearings and appeals from a decision of the hearings officer shall be in accordance with He-C 200.

(c) Pursuant to RSA 170-E:37, any person aggrieved by a decision rendered after a hearing held or an appeal brought under RSA 170-E:36, IV, may appeal the decision to the superior court.

APPENDIX

Rule	State Statute Implemented
He-C 6448.01	RSA 170-E
He-C 6448.02	RSA 170-E:25 and RSA 541-A:7
He-C 6448.03	RSA 170-E:28, 29, 34, I(a) and (b)
He-C 6448.04	RSA 170-E:30
He-C 6448.05	RSA 170-E:28 and 29
He-C 6448.06	RSA 170-E:27 and 31
He-C 6448.07	RSA 170-E:27, 28,32 and 34, I(a) and (b)
He-C 6448.08	RSA 170-E:27, 28, 29 and 34, I(a) and (b)
He-C 6448.09-6448.12	RSA 170-E:34, I(a) and (b)
He-C 6448.13	RSA 170-E:29
He-C 6448.14-6448.16	RSA 170-E:34, I(a) and (b)
He-C 6448.17	RSA 170-E:29
He-C 6448.18	RSA 170-E:32
He-C 6448.19	RSA 170-E:31, 44 and RSA 170-A:1
He-C 6448.20	RSA 170-E:42
He-C 6448.21	RSA 170-E:25 and 31
He-C 6448.22-6448.23	RSA 170-E:34, I(a) and (b)
He-C 6448.24	RSA 170-E:35 and 36
He-C 6448.25	RSA 170-E:35

He-C 6448.26	RSA 170-E:26 and 31
He-C 6448.27	RSA 170-E:37